

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

August 1, 2006

**3:30 P.M. SCHEDULED SESSION**

**3:45 P.M. MEETING COMMENCED**

**ROLL CALL:** Dedrick Brittenum, Joe Brown, Carol Chumney, Edmund Ford, Barbara Swearengen Holt, E. C. Jones, Myron Lowery, Scott McCormick, Rickey Peete, Jack Sammons, Brent Taylor and Chairman TaJuan Stout Mitchell  
Tom Marshall was absent

THE MEETING WAS CALLED TO ORDER

BY THE SERGEANT-AT-ARMS

**INVOCATION**

The meeting was opened with prayer by Councilman Myron Lowery . Councilman Jones presented Councilman Lowery with a certificate naming him Chaplain of the day.

**The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.**

5. B. Case No. PD 06-320
- Located on the northwest corner of Midland Avenue and Highland Street, containing 10.62 acres in the Single Family Residential (R-S6) District
- Applicant: Poag & McEwen Lifestyle Centers – Memphis, LLC (Mark Granbergs)  
Ronald Harkavy – Representative
- Request: A mixed use planned development consisting of retail and residential uses
- LUCB and OPD recommendation: APPROVAL, with conditions

**DROPPED**

40. RESOLUTION APPROVING A HOTEL WAIVER FOR SCOTTISH INN AND SUITES AT LAMAR AND DUNN. (Held from 7/25).
- MOTION: Peete
- SECOND: Brown
- NAYS: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Mitchell  
Marshall was absent

**FAILED**

**CONSENT AGENDA – Items 1 - 5 & 46-51 may be acted upon by one motion. SEE PAGE 1963 FOR ROLL CALL**

1.     **REFERENDUM ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, THE SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS IT RELATES TO ESTABLISHING AN AUDIT COMMITTEE TO REQUEST, RECEIVE, REVIEW, ANALYZE AND EVALUATE INVESTIGATIONS, EXAMINATIONS, REPORTS AND/OR AUDITS, AND AS AMENDED PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) AND THE ACTS OF 1915, CHAPTER 408 AND TO SUBMIT THIS PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD ON NOVEMBER 7, 2006, UP FOR S E C O N D READING.**

Ordinance No. 5180

**APPROVED**, on Second reading

2.     **ORDINANCE REZONING THE NORTHWEST CORNER OF WINCHESTER ROAD AND AVENUE OF COMMERCE, CONTAINING 13.06 ACRES IN THE LIGHT INDUSTRIAL (I-L) & SINGLE FAMILY RESIDENTIAL (R-S15) DISTRICTS, UP FOR F I R S T READING.**

Ordinance No. 5181  
Case No. Z 06-111

**APPROVED**, on First reading

3.     **ORDINANCE REZONING THE SOUTH SIDE OF E. RAINES ROAD; +/-404 FEET WEST OF ELVIS PRESLEY BOULEVARD, CONTAINING 0.48 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5178  
Case No. Z 06-112

**APPROVED**, on Second reading

4.     **ORDINANCE REZONING THE SOUTHEAST CORNER OF MCKELLAR AVENUE AND HERNANDO ROAD, CONTAINING 0.17 ACRE IN THE HEAVY INDUSTRIAL (I-H) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5179  
Case No. Z 06-113

**APPROVED**, on Second reading

5.     **NOTATIONS FROM THE LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A.     Case No. PD 06-317 – White Station Office Park P.D. (Amended0
- B.     Case No. PD 06-320 – Dropped
- C.     Case No. PD 06-325 – Kirby-Whitten Crossing P.D.
- D.     Case No. UV 06-08

Public Hearing set for August 15, 2006, with the exception of #B, which was dropped

46.    **RESOLUTION ACCEPTING AVANTI PD, PHASE 4, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 04-309  
(Contract No. CR-4917)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast corner of North Germantown Parkway and Club Parkway.

The standard improvement contract was approved on January 4, 2005. Resolution also authorizes the release of the Letter of Credit (No. 024) in the amount of \$38,000.00.

City Engineer recommends approval

**APPROVED**

47.     **RESOLUTION APPROVING FINAL PLAT OF THE COLEMAN SUBDIVISION.**  
Case No. S 05-044  
Contract No. CR-5023

Resolution approves the final plat located on the northside of Union Ave., south of Monroe Ave. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

**APPROVED**

48.     **RESOLUTION APPROVING FINAL PLAT OF HOMEWOOD COMMERCIAL-MINOR SUBDIVISION.**  
Case No. S 04-012

Resolution approves the final plat located on Homewood Road, north of Raines Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

**APPROVED**

49.     **RESOLUTION APPROVING ENGINEERING PLANS OF THE WOODLANDS OF CORDOVA PD.**  
Contract No. CR-5024

Resolution approves the engineering plans located on the east side of Dexter Lane, north of Macon Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard sewer extension contract.

City Engineer recommends approval

**APPROVED**

50.     **RESOLUTION APPROVING FINAL PLAT OF THE WOODLANDS OF CORDOVA PD.**  
Case No. PD 04-357cc  
Contract No. CR-5025

Resolution approves the final plat located on the east side of Dexter Lane, north of Macon Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

51.     **RESOLUTION APPROVING FINAL PLAT OF BUMPUS MCS MANASSAS SUBDIVISION.**  
Case No. S 04-040  
Contract No. CR-5026

Resolution approves the final plat located at the terminus of Marble and Manassas. Cost of the required improvements to be borne by the Agency and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.  
City Engineer recommends approval

**APPROVED**

**ROLL CALL CONSENT ITEMS**

MOTION: Holt  
SECOND: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Mitchell  
Marshall was absent

**APPROVED**, with the exception of 5B, which was dropped

**MLGW FISCAL CONSENT – Items 6-15 may be acted upon by one motion**

6. **RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT NO. 10840, TEMPORARY PERSONNEL SERVICES, WITH KELLY SERVICES, INC. IN THE AMOUNT OF \$2,100,000.00, FOR THE PERIOD 9/5/06 TO 6/4/07. (THIS CHANGE WAS APPROVED BY THE MLGW BOARD AT MEETING HELD 4/20/06 IN THE AMOUNT OF \$2,800,000.00, RENEWING THE CONTRACT FOR THE FOURTH TERM OF FOUR RENEWAL TERMS, 6/5/06 TO 6/4/07. ON 5/16/06, THE COUNCIL OF THE CITY OF MEMPHIS REVISED THE RESOLUTION AND EXTENDED THE CONTRACT FOR A PERIOD OF 90 DAYS, 6/5/06 TO 9/4/06, IN THE PRORATED AMOUNT OF \$700,000.00).(Held from 7/25).**

**APPROVED**, as amended with 6 month extension

7. **RESOLUTION AWARDDING CONTRACT NO. 11112, GENERATOR PREVENTATIVE MAINTENANCE AGREEMENT, TO CUMMINS MID-SOUTH, LLC, IN THE FUNDED AMOUNT OF \$56,986.00.**

**APPROVED**

8. **RESOLUTION AWARDDING CONTRACT NO. 11131, TRANSMISSION LINE CONSTRUCTION SUB. 79 – SUB. 86: SECTIONS A AND B, TO DILLARD SMITH CONSTRUCTION COMPANY, IN THE FUNDED AMOUNT OF \$2,298,201.79.**

Back to Committee on August 15, 2006 for discussion

9. **RESOLUTION AWARDDING CONTRACT NO. 11134, INTEGRATION SERVICE FOR ARLINGTON AND CAPLEVILLE LNG PLANTS, TO LOGICAL SYSTEMS, INC. (LSI), IN THE FUNDED AMOUNT OF \$26,550.00.**

**APPROVED**

10. **RESOLUTION AWARDDING CONTRACT NO. 11142, UPGRADE MLGW DS3 MICROWAVE RING WITH OC3 RING, TO HARRIS CORPORATION, IN THE FUNDED AMOUNT OF \$496,958.00.**

**APPROVED**

11. **RESOLUTION AWARDDING CONTRACT FOR GAS METER PROVING SYSTEMS TO MEASUREMENT SYSTEMS IN THE AMOUNT OF \$64,983.00.**

**APPROVED**

12. **RESOLUTION AWARDDING CONTRACT FOR EXCAVATABLE FLOWABLE FILL TO METRO MATERIALS, INC. IN THE APPROXIMATE AMOUNT OF \$1,380,760.00.**

**APPROVED**

13.
- RESOLUTION APPROVING AMENDMENT TO PURCHASE ORDER NO. 123971 FOR CONCRETE STANDARDS WITH SOUTHERN SALES AND SERVICE COMPANY IN THE AMOUNT OF \$656,608.00 FOR A TOTAL AMOUNT OF \$1,035,517.00.

**APPROVED**

14.
- RESOLUTION AWARDING CONTRACT NO. 11133, VARIABLE FREQUENCY DRIVE REPLACEMENT SHAW STATION HSP NO. 5, TO TRI-STATE ARMATURE & ELECTRICAL WORKS, INC., IN THE FUNDED AMOUNT OF \$154,914.00.

**APPROVED**

15.
- RESOLUTION AWARDING EXPEDITED PROCUREMENT REQUEST FOR CONTRACT NO. 11158, PCB ASSESSMENT OF TRANSFORMER FIRE, TO SHAW ENVIRONMENTAL & INFRASTRUCTURE, INC., IN THE FUNDED AMOUNT OF \$55,842.00.

**APPROVED**

**ROLL CALL MLGW FISCAL CONSENT ITEMS**

MOTION:     Brown – Send Item #8 back to Committee for discussion

Without objection, Item #8 sent back to Committee

MAIN MOTION:     Ford

SECOND:     Brown

AYES:     Brittenum, Chumney, Ford, Holt, Jones, Lowery, Peete, Sammons and  
            Chairman Mitchell

NAYS:     Brown

McCormick and Taylor did not cast a vote

Marshall was absent

**APPROVED**, as amended

16.
- APPOINTMENTS**

**Memphis City Beautiful Commission**

Appointments

Virginia “Ginger” Acuff  
Cecily E. Brooks  
Yvonne Nelson  
Sandeep Pednekar  
Elbert Rich, Jr.  
James S. Story

Reappointments

Jake Allen, Jr.  
Greg Campbell  
Barbara E. Jones  
Sharon Mahaffey  
Cynthia Magallon  
Reginald Milton

MOTION:     Lowery

SECOND:     Jones

AYES:     Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Peete, Sammons and

Chairman Mitchell  
McCormick and Taylor did not cast a vote  
Marshall was absent

**APPROVED**

17.
- REFERENDUM ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, THE SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS IT RELATES TO TERM LIMITS AND AS AMENDED PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) AND THE ACTS OF 1915, CHAPTER 408 AND TO SUBMIT THIS PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 7, 2006, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5174

Chairman Mitchell recognized the following person from the audience:

Mr. Perry Steele, 4876 Filco, Memphis, TN 38119

**Friendly Amendment:** Judges serve two consecutive terms

MOTION: Taylor

Councilman Sammons accepted this motion as a Friendly Amendment

**Friendly Amendment:** Council members serve three consecutive terms, Judges & and Mayor serve two consecutive terms

MOTION: Chumney

Councilman Sammons accepted this motion as a Friendly Amendment

**Friendly Amendment:** Delete any reference to Judges

MOTION: Brittenum

Councilman Sammons accepted this motion as a Friendly Amendment

MAIN MOTION: Sammons

SECOND: Jones

AYES: Chumney, Jones, Lowery, McCormick, Sammons and Chairman Mitchell

NAYS: Brittenum, Brown, Ford, Holt, Peete and Taylor

Marshall was absent

**FAILED**

**Council presented Ellis Black of Public Works with a Certificate of Recognition**

18.
- RESOLUTION REQUESTING THE CITY COUNCIL TO AMEND THE FISCAL YEAR 2007 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING ALLOCATIONS OF VARIOUS PROJECTS FUNDED BY G.O. BONDS GENERAL AND APPROPRIATE \$6,550,000.00 TO FUND MATA’S PREVENTIVE MAINTENANCE COSTS DURING FY 2007 AND THE CITY’S 10% LOCAL SHARE FOR COSTS ASSOCIATED WITH MAINTENANCE OF CAPITAL ASSETS.**

MOTION: Jones  
SECOND: Holt  
AYES: Brittenum, Brown, Chumney, Holt, Jones, Lowery, McCormick, Taylor and Chairman Mitchell  
Ford, Peete and Sammons did not cast a vote

Marshall was absent

**APPROVED**

19. **RESOLUTION REQUESTING THE CITY COUNCIL TO APPROPRIATE \$41,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03010, COMPUTER HARDWARE AND SOFTWARE, TO FUND THE 10% LOCAL SHARE OF COSTS AS PART OF FISCAL YEAR 2007 CAPITAL IMPROVEMENT BUDGET, FOR THE MEMPHIS AREA TRANSIT AUTHORITY.**

MOTION: Jones

SECOND: Holt

AYES: Chumney, Holt, Jones, Lowery, McCormick, Taylor and Chairman Mitchell  
Brittenuum, Brown, Ford, Peete and Sammons did not cast a vote  
Marshall was absent

**APPROVED**

43. **RESOLUTION INSTRUCTING THE INDUSTRIAL DEVELOPMENT BOARD TO IMMEDIATELY AMEND THEIR CHARTER OF INCORPORATION WITH THE STATE OF TENNESSEE TO REQUIRE APPROVAL FROM THE MEMPHIS CITY COUNCIL BEFORE GRANTING ANY PAYMENTS IN LIEU OF TAXES, EFFECTIVE SEPTEMBER 1, 2006.** (Held from 5/16; 6/6;6/20).

Held to August 15, 2006

44. **RESOLUTION INSTRUCTING THE MEMPHIS CENTER CITY REVENUE FINANCE CORPORATION TO IMMEDIATELY AMEND THEIR CHARTER OF INCORPORATION WITH THE STATE OF TENNESSEE TO REQUIRE APPROVAL FROM THE MEMPHIS CITY COUNCIL BEFORE GRANTING ANY PAYMENTS IN LIEU OF TAXES, EFFECTIVE SEPTEMBER 1, 2006.** (Held from 5/16;6/6;6/20).

Held to August 15, 2006

45. **RESOLUTION AMENDING THE INCORPORATION RESOLUTION OF THE HEALTH, EDUCATION AND HOUSING FACILITIES BOARD.** (Held from 5/16;6/6;6/20).

Held to August 15, 2006

20. **RESOLUTION APPROPRIATING \$20,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03001, SERVICE VEHICLES, TO FUND THE 10% LOCAL SHARE OF COSTS AS PART OF THE FISCAL YEAR 2007 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Jones

SECOND: Holt

AYES: Chumney, Holt, Jones, Lowery, McCormick and Taylor  
Brittenuum, Brown, Ford, Peete, Sammons and Chairman Mitchell did not cast a vote  
Marshall was absent

**APPROVED**

21. **RESOLUTION REQUESTING THE CITY COUNCIL TO APPROPRIATE \$56,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03013, REPAVE PARKING LOT, TO FUND THE 10% LOCAL SHARE OF COSTS AS PART OF THE FISCAL YEAR 2007 CAPITAL IMPROVEMENT BUDGET, FOR THE MEMPHIS AREA TRANSIT AUTHORITY.**

MOTION: Jones

SECOND: Holt

AYES: Chumney, Holt, Jones, Lowery, McCormick, Taylor and Chairman Mitchell

Brittenum, Brown, Ford, Peete and Sammons did not cast a vote  
Marshall was absent

**APPROVED**

22. **RESOLUTION APPROPRIATING \$198,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03011, PARATRANSIT BUSES, TO FUND THE 11.5% LOCAL SHARE OF COSTS AS PART OF THE FISCAL YEAR 2007 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Jones  
SECOND: Holt  
AYES: Brittenum, Chumney, Holt, Jones, Lowery, McCormick, Taylor and Chairman Mitchell  
Brown, Ford, Peete and Sammons did not cast a vote  
Marshall was absent

**APPROVED**

23. **RESOLUTION REQUESTING THE CITY COUNCIL TO APPROPRIATE \$58,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA0302, MATA FACILITY IMPROVEMENTS, TO FUND THE 10% LOCAL SHARE OF COSTS AS PART OF THE FISCAL YEAR 2007 CAPITAL IMPROVEMENT BUDGET, FOR THE MEMPHIS AREA TRANSIT AUTHORITY.**

MOTION: Jones  
SECOND: Holt  
AYES: Brittenum, Chumney, Holt, Jones, Lowery, McCormick, Taylor and Chairman Mitchell  
Brown, Ford, Peete and Sammons did not cast a vote  
Marshall was absent

**APPROVED**

24. **RESOLUTION REQUESTING THE CITY COUNCIL TO APPROPRIATE \$45,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03005, RAIL FACILITY IMPROVEMENTS, TO FUND THE 10% LOCAL SHARE OF COSTS AS PART OF THE FISCAL YEAR 2007 CAPITAL IMPROVEMENT BUDGET, FOR THE MEMPHIS AREA TRANSIT AUTHORITY.**

MOTION: Jones  
SECOND: Holt  
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Taylor and Chairman Mitchell  
Peete and Sammons did not cast a vote  
Marshall was absent

**APPROVED**

25. **RESOLUTION REAFFIRMING THE FISCAL YEAR 2007 TAX RATE OF \$3.4332 PER ONE HUNDRED DOLLARS OF ASSESSED VALUATION.**

MOTION: McCormick  
SECOND: Ford  
AYES: Brittenum, Brown, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Mitchell  
NAYS: Chumney  
Marshall was absent

**APPROVED**



26. **RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF SANITARY SEWERAGE SYSTEM REVENUE REFUNDING BONDS, SERIES 2006, OF THE CITY OF MEMPHIS, TENNESSEE FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING SANITARY SEWERAGE SYSTEM REVENUE BONDS OF THE CITY.**

MOTION: McCormick  
 SECOND: Jones  
 AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Mitchell  
 Marshall was absent

**APPROVED**

27. **RESOLUTION APPROPRIATING CAPITAL FUNDS FOR THE SETTLEMENT OF HUNT CONSTRUCTION GROUP, PLAINTIFF, VS. CITY OF MEMPHIS, DEFENDANT. THIS IS THE SETTLEMENT OF CONSTRUCTION CLAIMS RELATED TO THE MAIN LIBRARY. THE SETTLEMENT WAS FINALIZED IN NOVEMBER 2005 BUT PAYMENT OF THE FUNDS WERE DELAYED.**

MOTION: Lowery  
 SECOND: Jones  
 AYES: Brittenum, Brown, Ford, Holt, Jones, McCormick, Peete, Sammons and Chairman Mitchell  
 NAYS: Chumney  
 Lowery and Taylor did not cast a vote  
 Marshall was absent

**APPROVED**

28. **RESOLUTION ACCEPTING AN OFFER TO PURCHASE CITY OWNED PROPERTY IN THE AMOUNT OF \$200,000.00, LOCATED ON THE EAST SIDE OF BARTON AND NORTH OF RAINES ROAD. THE PROPERTY HAS NO FURTHER CITY USE AND HAS BEEN DEEMED SURPLUS. THE PROPERTY IS 140' X 165' (APPROXIMATE .53 ACRE) WITH IMPROVEMENTS. FORMALLY THE OLD WHITEHAVEN LIBRARY.**

2<sup>nd</sup> & Final  
 Reading  
Ford

Resolution accepts an offer from Charles McBride to purchase City owned property located on the east side of Barton and north of Raines Road. Per ordinance, the sale of the subject property is subject to the offer laying over for a subsequent council meeting for a second and final reading. At the second reading additional bids may be made subject to an initial increase of \$500.00 plus additional increases in increments of \$50.00 or more, with said bids being further subject to the terms and conditions of the Offer to Purchase Agreement.

Director of General Services recommends approval

MOTION: Ford  
 SECOND: Holt  
 AYES: Brittenum, Brown, Chumney Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Mitchell  
 Marshall was absent

**APPROVED**, upon no additional bids the item was acted upon

29. **RESOLUTION AMENDING THE FY 2007 CAPITAL IMPROVEMENT BUDGET BY APPROPRIATING \$1,000,000.00 FUNDED BY G. O. BONDS – GENERAL IN CONTRACT CONSTRUCTION WITHIN MHA-UPTOWN HURT VILLAGE, PROJECT CD01014.**

MOTION: Holt  
SECOND: Ford  
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Peete  
Marshall was absent

**APPROVED**

41. **RESOLUTION APPROVING A HOTEL WAIVER FOR HAMPTON INN AT 2700 PERKINS ROAD SOUTH, MEMPHIS, TN. 38118.**

MOTION: Peete  
SECOND: Ford  
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Mitchell  
Marshall was absent

**APPROVED**

**Upon request from Councilman Peete, a Special Item #1 was set up to approve the minutes for this item**

MOTION: Peete  
SECOND: Holt  
AYES: Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Mitchell  
Brittenum recused  
Taylor did not cast a vote  
Marshall was absent

**APPROVED**, Special Item #1 (minutes for Item #41)

30. **RESOLUTION AMENDING THE FY 2007 CAPITAL IMPROVEMENT BUDGET BY APPROPRIATING \$2,025,000.00 FUNDED BY G.O. BONDS – GENERAL IN CONTRACT CONSTRUCTION WITHIN MHA-LAMAR TERRACE/UNIVERSITY PLACE, PROJECT CD01015.**

MOTION: Holt  
SECOND: Ford  
AYES: Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Mitchell  
Brittenum and Taylor did not cast a vote  
Marshall was absent

**APPROVED**

31. **RESOLUTION ESTABLISHING THE USE OF \$345,055.00 IN FY 2007 CDBG ENTITLEMENT/PROGRAM INCOME FUNDS THAT WILL BE USED BY THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT FOR PLANNED PROJECT ACTIVITIES.**

MOTION: Holt  
SECOND: Ford  
AYES: Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Sammons and Chairman Mitchell  
Brittenum, Peete and Taylor did not cast a vote  
Marshall was absent

**APPROVED**

32. **RESOLUTION AMENDING THE FY 2007 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING VARIOUS ALLOCATIONS & APPROPRIATIONS FUNDED BY G.O. BONDS – GENERAL TOTALING \$1,169,118.00 TO CONTRACT CONSTRUCTION WITHIN MHA – UPTOWN HURT VILLAGE AND APPROPRIATING SAID AMOUNT.**

MOTION: Holt  
 SECOND: Ford  
 AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Mitchell  
 Taylor did not cast a vote  
 Marshall was absent

**APPROVED**

MOTION: Peete – Suspend the rules to approve the Minutes of Item #51  
 SECOND: Holt

**MINUTES**

Approval of the Minutes of the regular meeting of August 1, 2006, Item #51 only, set up as Special Item #2

MOTION: Peete  
 SECOND: Holt  
 AYES: Brown, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Mitchell  
 Brittenum recused  
 Chumney abstained  
 Marshall was absent

**APPROVED**, Item #51 only, Special Item #2

33. **RESOLUTION INCLUDING M.L. KING PARK, CIP PROJECT NUMBER PK07002, AS PART OF THE 2007 CAPITAL IMPROVEMENT BUDGET. RESOLUTION SEEKS APPROVAL TO ACCEPT AND TRANSFER \$22,000.00 IN ARCHITECT-ENGINEERING AND \$183,000.00 IN CONSTRUCTION TOTALING \$205,000.00 FROM M.L. KING PARK IMPROVEMENT FUND TO CIP PROJECT NUMBER PK07002, M.L. KING PARK FUNDED AS OPERATING TRANSFER IN – MLK TO PAY THE COST TO DESIGN AND BUILD A NEW RESTROOM FACILITY. THE RESOLUTION ALSO REQUIRES THE ADMINISTRATION TO PREPARE AND PRESENT A SCHEMATIC DESIGN FOR CITY COUNCIL APPROVAL PRIOR TO CONTINUATION OF THE DESIGN AND THE TAKING OF BIDS ON THE PROJECT.**

MOTION: McCormick  
 SECOND: Holt  
 AYES: Brittenum, Brown, Ford, Holt, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Mitchell  
 Chumney abstained  
 Jones did not cast a vote  
 Marshall was absent

**APPROVED**

34. **RESOLUTION INCLUDING ZOO N.W. PASSAGE, CIP PROJECT NUMBER PK09003 AS PART OF THE FY 2007 CAPITAL IMPROVEMENT PROGRAM. THE CITY OF MEMPHIS HAS ENTERED INTO A CONSTRUCTION AGREEMENT WITH THE MEMPHIS ZOOLOGICAL SOCIETY FOR THE DESIGN AND CONSTRUCTION OF THE N.W. PASSAGE EXHIBIT. COUNCIL HAS ALLOCATED \$1,000,000.00 FOR PK09003, ZOO N.W. PASSAGE. RESOLUTION ALSO SEEKS TO APPROPRIATE \$1,000,000.00 IN CONSTRUCTION FUNDS.**

MOTION: McCormick  
SECOND: Holt  
AYES: Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons,  
Taylor and Chairman Mitchell  
Brittenum did not cast a vote  
Marshall was absent

**APPROVED**

35. **RESOLUTION AMENDING THE FY 2007 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING PREVIOUS ALLOCATIONS AND APPROPRIATING \$13,641,375.00 FUNDED BY SEWER REVENUE BONDS IN WOLF RIVER INTERCEPTOR, PROJECT NUMBER SW04004 FOR A CONTRACT WITH EUTAW CONSTRUCTION CO., INC. FOR THE CONSTRUCTION OF WOLF RIVER INTERCEPTOR RELIEF SEWER, PHASE 3C.**

Resolution amending the FY 2007 Capital Improvement Budget by transferring previous allocations of \$1,382,000.00 from Architectural and Engineering and \$4,488,179.00 from Land Acquisition funded by Sewer Revenue Bonds to Construction in Wolf River Interceptor, project number SW04004.

Director of Public Works recommends approval

MOTION: Jones  
SECOND: McCormick  
AYES: Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons,  
Taylor and Chairman Mitchell  
Brittenum did not cast a vote  
Marshall was absent

**APPROVED**

36. **RESOLUTION AMENDING THE FY 2007 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING PREVIOUS ALLOCATIONS AND APPROPRIATING \$2,075,581.00 FUNDED BY GO BONDS – GENERAL FOR RESURFACING 2007 GROUP 1, PROJECT NUMBER PW01175 FOR A CONSTRUCTION CONTRACT WITH LEHMAN ROBERTS, CO.**

Resolution amending the FY 2007 capital improvement budget by transferring a previous allocation of \$1,978,250.00 funded by G.O. Bonds – General from Asphalt Paving, project number PW01040 and \$97,331.00 from ADA Curb Ramps to Resurfacing 2007 Group 1, project number PW01175.

MOTION: Jones  
SECOND: Holt  
AYES: Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons,  
Taylor and Chairman Mitchell  
Brittenum did not cast a vote  
Marshall was absent

**APPROVED**

37. **RESOLUTION APPROPRIATING \$145,311.00 FUNDED BY GO BONDS – GENERAL TO BE DEPOSITED IN THE LOCAL GOVERNMENT INVESTMENT POOL ACCOUNT FOR KIRBY PARKWAY/SPLIT OAK TO 64, PROJECT NUMBER PW01001 STATE PROJECT IXA-STP-2871(6).**

Director of Public Works and City Engineers recommends approval

MOTION: Jones  
SECOND: Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons,  
Taylor and Chairman Mitchell

Brittenum did not cast a vote  
Marshall was absent

**APPROVED**

38. **RESOLUTION AMENDING THE FISCAL YEAR 2007 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING A PREVIOUS ALLOCATION AND APPROPRIATING OF \$338,648.00 FUNDED BY GO BONDS GENERAL FROM DRAINAGE, CIP PROJECT NUMBER ST03006 TO BLACK BAYOU DETENTION, PROJECT NUMBER ST03070., FOR A CONSTRUCTION CONTRACT WITH FERRELL CONSTRUCTION, INC. FOR DRAINAGE REPAIR.**

Director of Public Works and City Engineer recommends approval

MOTION: Jones  
SECOND: Holt  
AYES: Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons,  
Taylor and Chairman Mitchell  
Brittenum did not cast a vote  
Marshall was absent

**APPROVED**

39. **RESOLUTION AMENDING THE FY 2007 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING ALLOCATIONS AND APPROPRIATING \$22,654.00 FUNDED BY SEWER FUNDS FROM REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO RALEIGH MILLINGTON SEWER REPAIR, PROJECT NUMBER SW02064. FOR EXPANDED CONSTRUCTION.**

Director of Public Works recommends approval

MOTION: Jones  
SECOND: Brown  
AYES: Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons,  
Taylor and Chairman Mitchell  
Brittenum did not cast a vote  
Marshall was absent

**APPROVED**

42. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$2,500.00 FROM THE STATE OF TENNESSEE – TENNESSEE HISTORICAL COMMISSION FOR THE MEMPHIS LANDMARKS TRAINING GRANT TO SEND FOUR OR MORE COMMISSIONERS OR STAFF TO THE NATIONAL CONFERENCE. RESOLUTION ALSO AMENDS FY 2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS AND MATCHING FUNDS IN THE AMOUNT OF \$1,667.00.**

MOTION: Peete  
SECOND: Holt  
AYES: Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons,  
Taylor and Chairman Mitchell  
Brittenum did not cast a vote  
Marshall was absent

**APPROVED**

52. **RESOLUTION DESIGNATING DEPOSITORIES.**

MOTION: Peete  
SECOND: Brown  
AYES: Brown, Chumney, Ford, Holt, Peete, Sammons, Taylor and Chairman Mitchell

Brittenum, Jones and Lowery did not cast a vote  
McCormick abstained  
Marshall was absent

**APPROVED**

**MINUTES**

Approval of the Minutes of the regular meeting of July 25, 2006 with the following motion:

The Comptroller stated that during the Planning and Zoning Committee Meeting it was recommended from the Office of Planning and Development that Item #44, SAC 06-608 be pulled from the Minutes of July 25, 2006 and added to the Minutes of August 1, 2006 for approval on August 15, 2006.

MOTION: Holt  
SECOND: Brown  
AYES: Brown, Chumney, Ford, Holt, Lowery, McCormick, Peete, Sammons, Taylor,  
and Chairman Mitchell  
Brittenum and Jones did not cast a vote  
Marshall was absent

**APPROVED**, as amended

**INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:**

Chairman Mitchell recognized the following persons from the audience:

Ontoyria Blackstone, 5299 Sunnyside Cove, Mphs, TN 38135  
Kenith Owens, 4205 Ann Arbor #3, Mphs, TN 38128  
Charles Todd, 787 Alice Ave., Mphs, TN 38106

**ADJOURNED MEETING AT 6:00 P.M.**

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

Attest:

CHAIRMAN

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Deputy Comptroller/Council Records